



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD / CWB

01004PRM.04c

DATE: January 14, 2004
NPDES PERMIT NO.: HI 0021822

PERMIT RATIONALE: APPLICATION FOR NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO
THE WATERS OF THE UNITED STATES

PERMITTEE: UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

FACILITY/SITE: TERN ISLAND SHORE PROTECTION PROJECT,
PHASE I - ROCK REVETMENTS A & B AND SMALL BOAT RAMP

FACILITY/SITE ADDRESS

Tern Island
French Frigate Shoals
Northwest Hawaiian Islands

PERMITTEE MAILING ADDRESS

300 Ala Moana Boulevard, Room 5-231
Honolulu, Hawaii 96850-5000
Contact: Mr. Jerry Leinecke
Project Leader, Hawaiian and Pacific Islands
National Wildlife Refuge Complex
Telephone No.: (808) 792-9550
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PERMIT STATUS

On August 5, 2003, the Permittee submitted an Individual NPDES Permit application for coverage of storm water discharges associated with construction activity to the Pacific Ocean, Class AA, Marine Water from construction work on Tern Island, French Frigate Shoals, Northwest Hawaiian Islands.

The Department reviewed the application and requested in writing, dated September 2, 2003, September 18, 2003 and December 1, 2003 that the permittee submit additional information. Additional information was submitted to the Department dated, August 22, 2003, September 12, 2003, November 26, 2003, December 8, 2003 and December 12, 2003.

The Director of Health (Director) proposes to issue a permit to discharge to the waters of the State and has included in the proposed draft permit those terms and conditions which the Director determined are necessary to carry out the provisions of the Federal Water Pollution Control Act (PL 92-500), Federal Clean Water Act of 1977 (PL 95-217) and Chapter 342D, Hawaii Revised Statutes.

SCOPE OF THE ACTIVITY AND LOCATION OF THE PROJECT

The proposed project is for the reconstruction of shore protection structures with sloping rock revetments and replacing an existing wooden small boat dock with a concrete launch ramp at Tern Island, French Frigate Shoals, Northwest Hawaiian Islands. The rock revetment consists of a 2.5 foot layer of 2,000 to 3,000 pound armor stones in water depths of 5 feet or less for 3,127 linear feet, and a 4.3 foot layer portion consisting of two layers of 1,200 to 2,000 pound armor stones in water depths greater than 5 feet for 727 linear feet. The total length of the rock revetments would be 3,854 linear feet. The slope of the revetment would be 1.5-feet horizontal to 1-foot vertical. The launch ramp will be 81 feet long by 15 feet wide and inset approximately 75 feet in-land.

RECEIVING WATER CLASSIFICATION

The storm water runoff from the project site will discharge to the Pacific Ocean. As identified on the Water Quality Standard Maps of the Island of Hawaii, the area of discharge to the Pacific Ocean is classified by the Department of Health (DOH) as Class AA, Marine Water. The objective of Class AA waters is that these waters remain in their natural state as nearly as possible with an absolute minimum of pollution from any human-caused source. The uses to be protected are all uses compatible with the protection of the ecosystems associated with waters of this class. These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the criteria established for it's class.

OCEAN DISCHARGE CRITERIA

The Director has considered the Ocean Discharge Criteria, established pursuant to Section 403(c) of the Clean Water Act for the discharge of pollutants into the territorial sea, the waters of the contiguous zone, or the oceans. The EPA has promulgated regulations for Ocean Discharge Criteria in 40 Code of Federal Regulations Part 125 , Subpart M. Therefore, the Director has determined that the discharge will not cause degradation to the marine environment. Based on current information, the Director proposes to issue a permit.

DESCRIPTION OF THE PROPOSED DISCHARGE

The Permittee requests to discharge storm water runoff from the proposed project site and states in the site-specific Best Management Practices (BMPs) plan that the erosion control measures itemized in the erosion control plan, including but not limited to silt fences, earth berms and sand bags, shall be in place prior to the start of construction activities, to filter sediment from the storm water runoff, before being discharged into the Pacific Ocean.

PERMIT CONDITIONS

The Director has considered the permit conditions to discharge storm water runoff associated with construction activity, established pursuant to the Federal Water Pollution Control Act, Federal Clean Water Act, and the Hawaii Revised Statutes. The Director has determined that the discharge will not cause degradation to the receiving water environment when the Permittee complies with the conditions of the permit. Therefore, based on current information, the Director proposes to issue a permit.

PROPOSED DETERMINATIONS

A. Best Management Practices

The Permittee shall:

1. Refrain from performing any work during heavy rainstorms.
2. Prevent loose particles, sand, soil, silt, and other construction debris at the project site from being washed away by storm water runoff to the various swales and drainage ways and eventually to the State waters.
3. Remove excavated materials as soon as possible or at the end of each work day. The excavated materials shall be disposed of to a State and/or County approved landfill site.
4. Not discharge water used for dust control to State waters.
5. Assure that the implemented BMPs are effective and the discharge effluent is in compliance with the basic State water quality standards.

In addition to the general BMPs provisions proposed in the application, the following requirements are necessary in preventing pollutants to be discharged with the storm water to the receiving State waters. The Permittee shall:

6. Comply with all materials submitted in and with the application, dated August 5, 2003 and all subsequent submittals dated, August 22, 2003, September 12, 2003, November 26, 2003, December 8, 2003 and December 12, 2003.
7. Retain a copy of the application, including other related materials, and this permit at the job site or at a nearby field office.
8. Design, operate, implement, and maintain the project site BMPs plan to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable state water quality standards.

9. Implement the project site BMPs plan as often as needed to improve the quality of storm water discharges or when instructed by the director.
10. Not cause or contribute to a violation of the basic water quality criteria as specified in Hawaii Administrative Rules (HAR), Chapter 11-54, Section 11-54-04.
11. Submit the following site-specific information on CWB-NOI Form C (Rev. 11/20/2002), as applicable, to the CWB for review and comment at least 30 days prior to the start of construction activities:
 - a. Section 7. - Show the locations and details of the equipment/vehicle and concrete drum wash areas;
 - b. Section 15.a.ii.(7) - Show on a map/drawing the areas used for the storage of soils or wastes;
 - c. Section 15.a.ii.(8) - Show on a map/drawing the location(s) where stabilization practices are expected to occur;
 - d. Section 15.a.ii.(9) - Show on a map/drawing the location(s) and descriptions of all structural controls;
 - e. Section 15.a.ii.(10) - Show on a map/drawing the areas where vegetative practices are to be implemented;
 - f. Section 15.b. - Provide the construction BMPs plan; and
 - g. Section 15.c. - Provide the site-specific construction BMPs plan.

All related concerns and/or comments pertaining to the above listed items shall be properly addressed to the CWB's satisfaction before the start of construction activities.

12. Immediately stop, reduce, or modify construction, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.
13. Inspect, at a minimum of once per week, the receiving state waters, storm water runoff and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04. (e.g., the permittee shall look at storm water discharges and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

14. Review the effectiveness and adequacy of the implemented site-specific BMPs plan(s) and sediment and erosion control plan(s) at a minimum of once per week, and update the plan as often as necessary. Any changes(s) to the site-specific BMP plans and/or sediment and erosion control plans or correction(s) to information already on file with the Department of Health (DOH) shall be submitted to the Clean Water Branch as such change(s) or correction(s) arises.
15. Submit signed copies of all reports required by this permit to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

16. Include the following certification statement and signature on each submittal in accordance with HAR, Chapter 11-55, Section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

17. Include the notice of NPDES permit number on each submittal. Failure to provide the assigned NPDES permit number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).
18. Submit any changes to information on file with the DOH as soon as changes arise.
19. Comply with the following special conditions apply to all land disturbance work conducted under this permit:
 - a. Construction Management Techniques
 - (1) Clearing and grubbing shall be held to the minimum necessary for grading and equipment operation.

- (2) Construction shall be sequenced to minimize the exposure time of the cleared surface area.
- (3) Construction shall be staged or phased for large projects. Areas of one phase shall be stabilized before another phase is initiated. Stabilization shall be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.
- (4) Erosion and sediment control measures shall be in place and functional before earth moving operations begin. These measures shall be properly constructed and maintained throughout the term of the project.
- (5) All control measures shall be checked and repaired as necessary, for example, weekly in dry periods and within twenty-four hours after any rainfall of 0.5 inches or greater within a 24-hour period. During prolonged rainfall, daily checking is necessary. The permittee shall maintain records of checks and repairs.
- (6) The permittee shall maintain records of the duration and estimated volume of storm water discharge(s).
- (7) A specific individual shall be designated to be responsible for erosion and sediment controls on each project site.

b. Vegetation Controls

- (1) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than twenty calendar days prior to land disturbance.
- (2) Temporary soil stabilization with appropriate vegetation shall be applied on areas that will remain unfinished for more than thirty calendar days.
- (3) Permanent soil stabilization with perennial vegetation or pavement shall be applied as soon as practical after final grading. Irrigation and maintenance of the perennial vegetation shall be provided for thirty calendar days or until the vegetation takes root, whichever is shorter.

c. Structural Controls

- (1) Storm water flowing toward the project area shall be diverted by using appropriate control measures, as practical.
- (2) Erosion control measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.

- (3) Water must be discharged in a manner that the discharge shall not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.

B. Reporting Requirements

The Permittee shall:

1. Complete and submit the enclosed Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management as specified on the form.
2. Submit any changes to information on file with the CWB as soon as changes arise. The Permittee shall properly address all related concerns and/or comments to the DOH's satisfaction.
3. Notify the CWB upon termination of the discharge activities.
4. Immediately notify the director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in section 16 of DOH "Standard NPDES Permit Conditions," dated December 31, 2002.